

From: [Stephen Tzhone](#)
To: [Barbara Nann](#)
Cc: [Carlos Sanchez](#)
Subject: Re: San Jacinto: comments on Draft AOC
Date: 06/15/2009 04:47 PM
Attachments: [AOC RIFS Draft 1.doc](#)

Barbara,

1) The AOC 'findings of fact' is both a technical and legal call. My technical description of the site (draft SOW paragraphs 15-18), which is my summarized 'findings of fact' is already given to you. I'm comfortable with that (that's why I have it in the SOW) and if you are comfortable with that, then either you or I can insert it verbatim into the AOC.

2) If you are not legally comfortable with the 'findings of fact' limited to just my technical description of the site, then I recommend making a reference to the whole HRS and/or TMDL report. Perhaps something like this:

'According to Hazard Ranking System (HRS) Documentation Record associated with the finalization of the Site on the National Priorities List, an observed release to the HRS Surface Water Migration Pathway has been established. Please refer to the HRS Documentation Record for additional information; especially, HRS Documentation Record Chapters 2.2 Source Characterization, and 2.3 Likelihood of Release.'

and/or,

'According to the Houston Ship Channel TMDL Project for Dioxin, elevated levels of dioxin have been observed in the San Jacinto River Watershed, including the area in and around the Site. Please refer to the Houston Ship Channel TMDL Project for Dioxin website for additional information; especially, annual summaries of project findings and progress, at:
<http://www.tceq.state.tx.us/implementation/water/tmdl/26-hscdioxin.html>'

Technically, I did not list either one because neither 'finding' qualifies for quantification of absolute risk from the site, even though it may be implied as such. However, while I did not include them specifically, you may want to legally call them out as a 'finding of fact' for the AOC. So I'm giving you that option. If you don't want to, that's fine... remember, I am already okay with what I gave you to insert into the AOC 'findings of fact'.

3) Here, to save time, I have attached for you the AOC with edits which include all of the above. I'm okay with whatever you want to do with these edits, provided that the language associated with the technical description from the draft SOW is kept intact:



AOC RIFS Draft 1.doc

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